

The Honorable Judge Marsha Pechmam

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

TRAVIS MICKELSON, DANIELLE H.
MICKELSON, and the marital community
thereof,

Plaintiffs,

v.

CHASE HOME FINANCE, LLC, an unknown
entity; JPMORGAN CHASE BANK, N.A., a
foreign corporation; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., a foreign corporation; NORTHWEST
TRUSTEE SERVICES, INC., a domestic
corporation; JOHN DOES, unknown entities;
MORTGAGEIT, INC., a foreign corporation;
GMAC MORTGAGE CORPORATION, a
foreign corporation; CHICAGO TITLE, an
unknown corporation; ROUTH CRABTREE
OLSEN, P.S., a domestic Personal Services
Corporation; and FEDERAL HOME LOAN
MORTGAGE CORPORATION, a corporation,

Defendants.

No. C11-01445 MJP

**DEFENDANTS ROUTH CRABTREE
OLSEN, P.S. AND NORTHWEST
TRUSTEE SERVICES, INC.'S
JOINDER IN DEFENDANTS CHASE,
MERS, AND FREDDIE MAC'S
PARTIAL MOTION TO DISMISS**

**NOTE ON MOTION CALENDAR:
January 20, 2011**

Defendants Routh Crabtree Olsen, P.S. ("RCO") and Northwest Trustee Services, Inc. ("NWTS") hereby join in JPMorgan Chase Bank ("Chase"), Mortgage Electronic Registration Systems, Inc. ("MERS"), and Federal Home Loan Mortgage Corporation's ("Freddie Mac") collectively, ("Moving Defendants") Partial Motion to Dismiss Plaintiffs' Amended Complaint pursuant to F.R.C.P. 12(b)(6) (the "Moving Defendants' Motion"). Defendants RCO and NWTS

1 incorporate the entirety of Moving Defendants' Motion, all exhibits thereto, as if fully set forth
2 herein.

3 By way of further response, Defendants RCO and NWTs note that the majority of courts
4 have held that activities, including that of a foreclosing trustee, in furtherance of a nonjudicial
5 foreclosure is not debt collection under the Fair Debt Collection Practices Act ("FDCPA") and
6 those parties are not debt collectors.¹

7 In view of the foregoing, Defendants RCO and NWTs respectfully request its Joinder in
8 the Moving Defendants' Motion be granted and that Plaintiffs' Amended Complaint be
9 dismissed as to Defendants RCO and NWTs.

10 DATED this 30th day of December, 2011.

11
12 ROUTH CRABTREE OLSEN, P.S.

13 *Heidi E. Buck* WSBA # 31491 For Ms. Buck

14 /s/ Heidi Buck

15 Heidi E. Buck, WSBA No. 41769
16 Of Attorneys for Defendants Routh Crabtree
17 Olsen, P.S. and Northwest Trustee Services,
18 Inc.
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23 ¹ See *Roman v. Nw. Tr. Services, Inc.*, C10-5585BHS, 2010 WL 5146593 *3 (W.D. Wash. Dec. 13, 2010); see also
24 *Hulse v. Ocwen Federal Bank, FSB*, 195 F.Supp.2d 1188, 1204 (D. Or. 2002); see also *Jordan v. Kent Recovery*
25 *Services*, 731 F. Supp. 652, 657-58 (D.Del.1990); see also *Armacost v. HSBC Bank USA*, Slip Copy, 2011 WL
26 825151, D.Idaho (February 09, 2011); see also *Anokhin v. BAC Home Loans Servicing, LLP*, Slip Copy, 2010 WL
5393972 (E.D.Cal.,2010); see also *Beadle v. Haughey*, 2005 DNH 16 (D.N.H. 2005); see also *Bittinger v. Wells*
Fargo Bank NA, 744 F. Supp. 2d 619 (S.D. Tex. 2010); see also *Gentsch v. Ownit Mortg. Solutions Inc.*, Slip Copy,
2009 WL 1390843 (E.D.Cal.,2009); see also *Heinemann v. Jim Walter Homes, Inc.*, 47 F. Supp. 2d 716, 722 (N.D.
W. Va. 1998); see also *Montgomery v. Huntington Bank*, 346 F.3d 693, 700 (6th Cir. 2003); and see *Powell v.*
Residential Mortg. Capital, Slip Copy, 2010 WL 2133011 (N.D.Cal.,2010).

Declaration of Service

The undersigned makes the following declaration:

1. I am now, and at all times herein mentioned was a resident of the State of Washington, over the age of eighteen years and not a party to this action, and I am competent to be a witness herein.

2. That on December 30, 2011, I caused a copy of the **Defendants Routh Crabtree Olsen, P.S. and Northwest Trustee Services, Inc.'s Joinder in Defendants Chase, MERS, and Freddie Mac's Partial Motion to Dismiss**, to be served to the following in the manner noted below:

Scott E. Stafne Andrew Krawczyk Stafne Law Firm 239 N. Olympic Ave. Arlington, WA 98223 <i>Attorneys for Plaintiffs</i>	<input checked="" type="checkbox"/> US Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile
Fred Burnside Rebecca J. Francis Davis Wright Tremaine, LLP 1201 Third Ave., Suite 2200 Seattle, WA 98101-3045 <i>Attorneys for Defendants JPMorgan Chase Bank, N.A.; Chase Home Finance, LLC; Mortgage Electronic Registration Systems, Inc.; and Federal Home Loan Mortgage Corporation</i>	<input checked="" type="checkbox"/> US Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile
Erin M. Stines Fidelity National Law Group 1200 6 th Ave., Suite 620 Seattle, WA 98101 <i>Attorneys for Defendant Chicago Title</i>	<input checked="" type="checkbox"/> US Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile

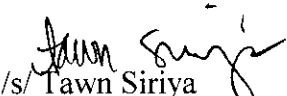
1 John S. Devlin
2 Andrew G. Yates
3 Lane Powell, PC
4 1420 Fifth Ave., Suite 4100
5 Seattle, WA 98101

Attorneys for Defendant Mortgageit, Inc.

☒ US Mail, Postage Prepaid
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile

6 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is
7 true and correct.
8

9 Signed this 30th day of December 2011.

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11 
12 /s/ Tawn Siriya
13 Tawn Siriya, Paralegal
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